

BOROUGH OF RARITAN
Planning Board Meeting
MINUTES
September 27, 2023

CALL TO ORDER & FLAG SALUTE

The meeting was called to order at 6:31 p.m. in the Borough of Raritan Municipal Building. Ms. Thomas read the open public meetings statement into the record.

ROLL CALL

Present

Ms. Thomas
Mayor Bray
Mr. Cunningham
Councilman Carra
Ms. Carra
Mr. Brown
Ms. Sherwin
Ms. Debellis

Also Present

Larry Cohen, Board Attorney
Lou Gara, Construction/Zoning Official
Joe Bronson, P.P.
Stan Schrek, Board Engineer (arrived late)*

Absent

Ms. Goetsch
Mr. DeCicco
Ms. Windrem

APPROVAL OF BOARD MINUTES

Motion by Mr. Brown, **seconded** by Ms. Sherwin to approve the Minutes of **August 23, 2023** by voice vote. Ms. Carra and Mayor Bray recused.

ENGINEERING/PLANNING REPORT

Mr. Bronson provided an update on the following matters:

- Getting back up to speed on the Downtown Redevelopment Plan
- Multiple Council Engineering matters underway
- TAP Grant advancing - looking forward to final design
- Working with Environmental Committee on an update to the Storm water Control Ordinance

Mr. Bronson advised he would look into the existence of grant money in response to question from Mr. Cunningham about funding for the Downtown Redevelopment Plan. He was unable to provide timeframes for NV5 to finish the plan in response to a question from Councilman Carra.

CONSTRUCTION/ZONING OFFICIAL REPORT

Mr. Gara provided the following updates on current projects:

- No new activity on Pharmacy
- Former Basilico (Zoning approved)
- Janssen and Labcorp still busy
- Il Forno (old Nik's) close to CO

TECHNICAL REVIEW COMMITTEE

Chairwoman Thomas advised that there were no TRC meetings scheduled and none had been held.

RESOLUTIONS

Mr. Cohen reviewed changes associated with the last version of the resolution that was distributed and read them into the record.

- **Janssen Pharmaceuticals, Inc.**
Block 2, Lot 18 (1000 Route 202)
Preliminary & Final Site Plan (Parking Lot & Building Addition Improvements)

Motion by Mr. Cunningham, **seconded** by Mr. Brown to approve the resolution, as amended in accordance with changes read into the record by Mr. Cohen.

ROLL CALL:

AYE: Ms. Thomas, Councilman Carra, Mr. Cunningham, Mr. Brown, Ms. Sherwin, Ms. Debellis

NAY:

ABSTAIN: Mayor Bray, Ms. Carra

*Mr. Schrek arrived at 6:42.

- **SD&RR, LLC (The Colfax Apartments, LLC)**
Block 95, Lots 12&13 (17-19 Colfax Street)
Preliminary & Final Site Plan

Motion by Mr. Brown, **seconded** by Ms. Sherwin to approve the resolution.

ROLL CALL:

AYE: Ms. Thomas, Councilman Carra, Mr. Cunningham, Mr. Brown, Ms. Sherwin, Ms. Debellis

NAY:

ABSTAIN: Mayor Bray, Ms. Carra

- **Valley Wellness**
Block 41, Lots 2&3 (405 Route 202)
Amendment of Condition of Prior Approval

Motion by Councilman Carra, **seconded** by Mr. Cunningham to approve the resolution.

ROLL CALL:

AYE: Ms. Thomas, Councilman Carra, Mr. Cunningham, Ms. Sherwin, Mr. Brown, Ms. Debellis

NAY:

ABSTAIN: Mayor Bray, Ms. Carra

APPLICATIONS/HEARINGS

- **BOSCAINO, MICHAEL & SARA (Block 98, Lot 10)**
45 East Somerset Street
Minor Site Plan with Variances (Continuance from 8/23/23)

Mr. Boscaino introduced his witness, **Henry Hinterstein, P.P.** who identified himself as a Licensed Builder and Landscape Architect and Builder and entered his appearance on behalf of the applicant. He was sworn and qualified and clarified that he was not the Architect for the project. Mr. Schrek explained that questions arose at the prior meeting regarding testimony that they wanted clarification from the Architect on. Mr. Hinterstein indicated that he was qualified to testify as a licensed builder.

Mr. Hinterstein marked the following Exhibits into the record:

A-4 (identified as photos)

A-5 (identified as a Google satellite image of the subject area)

A-6 (identified as Garage Addition Elevations)

Mr. Hinterstein provided Architectural Testimony with respect to roof pitch. He testified that there would be no visual impact in the rear of the property and that the closest house is 65-70' away.

Mr. Hinterstein provided Planning Testimony under the criteria for a c2 variance. He offered that there would be no exacerbation of existing conditions since only half of the garage conforms and that the alternative to better building mass would be an increase in impervious coverage. He testified further that the purposes of zoning would be enhanced under sections (c), (a), (g) and (i) of the MLUL.

Mr. Hinterstein testified that the A frame roof would blend in with other roof pitches in the neighborhood. As to the negative criteria, he testified that the structure to the west blocks the view, the closest home on the east is "far away" and that an 8' hedgerow and large trees provide shielding to the north. He testified that the benefits would outweigh any detriments.

Ms. Thomas asked about use of the "other garage." Mr. Bronson offered that the distance from the existing garage to the adjacent garage is 15' and confirmed that there would be no utilities except electric on the second floor. Mr. Hinterstein affirmed that there would be a minisplit system used.

Matching of façade materials were discussed in response to a question from Ms. Thomas. Mr. Hinterstein testified that stone veneer would be used to match.

Calling it "precedent setting," with respect to allowing two story accessory structures, Mr. Shrek remarked about the lack of testimony with respect to lowering the pitch, as discussed in prior hearings. He added that the purposes of Planning don't comport and that he had wanted effort to "pull it down" from the Architect.

Mr. Hinterstein testified that bringing down the roof plate and dormers would not have much of an impact. He responded to a question from Mr. Brown about the impact of the inside ceiling height (7' vs. 8'). Mr. Cunningham asked about options based on a 7' garage door and about window location. Mr. Hinterstein explained that there would be 2 windows in the front, one in the rear and none on the side, in support of his statement that there would be no impact to the neighbors' privacy/pool.

Chairwoman Thomas solicited questions from the Board.

Mr. Hinterstein indicated that he felt comfortable with the likelihood of bringing it down to 20' and responded to questions from Mr. Bronson asked about the sidewalk near the garage (staircase v. pavers). He also responded to a question from Mr. Cunningham about any increase in impervious coverage/use of pervious materials. He reasserted that the benefits of the project would outweigh the detriments.

Chairwoman Thomas opened the floor to questions of the witness at 7:19. There were none.

Motion by Mr. Brown, **seconded** by Mr. Cunningham and unanimously carried to approve the application with a 20' roofline, subject to revision of the architectural plan.

ROLL CALL:

AYE: Ms. Thomas, Councilman Carra, Mr. Cunningham, Mr. Brown, Ms. Sherwin, Ms. Debellis

NAY:

ABSTAIN: Mayor Bray, Ms. Carra

Mr. Cohen explained that a (previously prepared/circulated) resolution would not be adopted in light of

unanticipated testimony and that a new one would be presented for adoption in October.

- **AMAN HANDA (Block 32, Lot 15)**
10A&10B John F. Goellner Drive
Minor Subdivision with Variances – COMPLETENESS ONLY

Mr. Schrek advised that the applicant was not present to speak. He spoke about the need for a protective covenant/deed restriction that had not been received and therefore, would not recommend it be deemed complete.

As to Completeness:

Motion by Ms. Carra, **seconded** by Councilman Carra and unanimously carried to deem the application **INCOMPLETE** for reasons as enumerated, by the Board Engineer.

ROLL CALL:

AYE: Ms. Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham, Ms. Carra, Mr. Brown, Ms. Sherwin, Ms. Debellis

NAY:

ABSTAIN:

- **JONATHAN BACZEWSKI (Block 1, Lot 11)**
21 Vones Lane
Extension & Modification of Prior (Minor Subdivision) Approval

Justin Calta, Esq. entered his appearance on behalf of the applicant. He advised that the Borough of Raritan has exclusive jurisdiction [land use authority] over both Block 1, Lot 11 in Raritan and Block 164, Lot 4 in Bridgewater pursuant to an agreement from 2016 which outlines certain jurisdictional and joint administration rights. He further advised that an existing unimproved roadway tied to future development is controlled by Bridgewater. Mr. Calta advised that despite having received subdivision approval from Raritan in 2022, his ability to record same has been delayed due to a number of issues involved with his Bridgewater approval which was not secured until August 3, 2023 (Reference made to Bridgewater Ordinance #23-08-03-232).

Applicant, Jonathan Baczewski was sworn in and testified that extensive delays in Bridgewater caused the inability to perfect his subdivision, requiring him to seek relief for additional time to do so from Raritan.

Mr. Calta indicated that there had also been one change which would require a modification of the approval tied to elimination of the residence on the Bridgewater lot. Mr. Calta identified the lot in question on Exhibit A-2 (the subdivision plan). He then spoke about the Right of Way and Storm water, which he related was not applicable to the instant matter since improvements are in Bridgewater.

An extensive discussion ensued as to the extent/type of relief being requested from Raritan. Mr. Cohen endorsed the granting of an extension for filing through March, 2024, and advised them that if additional time is needed, to apply before the applicable deadline. He explained the purpose of the extension pursuant to NJS A 50:55D-47(f) in response to a question from Ms. Sherwin.

Motion by Mayor Bray, **seconded** by Councilman Carra and unanimously carried to extend the request for filing of the subdivision through March, 2024 with the understanding that the applicant may be required to return to the Board in order to change the subdivision if required; and that he may be required to go back to the Bridgewater Planning Board for review of certain improvements to the proposed subdivided lot in that jurisdiction.

ROLL CALL:

AYE: Ms. Thomas, Mayor Bray, Councilman Carra, Mr. Cunningham (with comment),*Ms. Carra, Ms. Sherwin, Mr. Brown, Ms. Debellis

NAY:

ABSTAIN:

*Mr. Cunningham asked the Board Attorney about the need for a change in the municipal boundary line.

- **BRIELLE CAPITAL, LLC (Block 35, Lot 5.01)**
401 Tillman Street
App.#23-008 – Minor Site Plan with Use Variance

Mayor Bray and Councilman Carra recused at 8:05.

Michael O’Grodnick, Esq. entered his appearance on behalf of the applicant and provided an overview of the application which he related seeks approval for construction of a 1750 square foot, 2 unit multi family dwelling at the intersection of Tillman and Raritan in the R-4 Zone which the applicant intends to condo. He explained that a use variance was required in addition to bulk variances for minimum lot area, lot width and side yard (all existing) as well as maximum lot coverage (31% proposed where 30% is permitted. He specified that the Raritan Avenue side interior side yard was proposed at 5’ from exterior where 8’ is required and 5’ where 25’ is required. He reviewed the design waivers relative to parking, lighting, landscaping and buffering.

Mr. Schrek recommended that the application be deemed complete based on Mr. Bronson’s review of the checklist/waivers.

As to Completeness:

Motion by Ms. Carra, seconded by Ms. Sherwin and unanimously carried to deem the application complete.

ROLL CALL:

AYE: Ms. Thomas, Mr. Cunningham, Ms. Carra, Ms. Sherwin, Mr. Brown, Ms. Debellis

NAY:

ABSTAIN:

Craig Stires, P.E. was sworn and qualified. He entered the following exhibits into testimony:

A-1 – entitled “Aerial View” (photo) showing the properties in the area of the site. Mr. Stires identified the site on the lower left side of the exhibit and provided the dimensions of the lot. He explained that the lot is vacant but had a two family (5 bedroom, 2 bathroom) house with a driveway off of Tillman and Raritan.

A-2 – Identified as photos of the old house which was demolished in 2017. Mr. Stires identified the surrounding properties in the R4 [single family] zone and explained that the proposal would entail creation of 42x21, 3 bedroom condos with garages which would negate the need for a parking variance. Mr. Stires reviewed the bulk requirements and spoke about the nonconforming lot area as an existing condition.

A-3 – Identified as a colored rendering of the Site Plan. Mr. Stires explained that he would work with Mr. Schrek on landscaping as none was currently proposed. He spoke about removal of a 36” tree and testified that there would be no need for drainage as the impervious coverage associated with the old house was greater/footprint of the new house was smaller.

Ms. Thomas solicited questions from the Board. Mr. Schrek advised that they would want to discuss any increase in impervious coverage, referring to reports from Stonebridge.

Mr. Stires advised that the front door would face Raritan Ave. in response to a question from Ms. Sherwin.

Ms. Thomas opened the floor to questions from the public at 8:21.

Joan Nelson of 410 Raritan Ave. stated that she was against “these variances.” Mr. Cohen redirected her to questions rather than comments. She asked why it should matter what the previous use was.

Richard Mitchell of 405 Raritan Ave. stated that his mother-in-law owns two homes next to the empty lot and asked about the reasoning for the 5’.

Joann Mitchell of 405 Raritan Ave. spoke about problems with the sewer system/old piping. Mr. Schrek assured her that they would check with Public Works as corrections had been made offsite.

Mr. Brown commented that the Town took over and demolished the home, lamenting that he did not know it had been sold. Mr. Cohen advised that testimony was relying on the MLS listing.

Carlo Romano, principal of Brielle Capital was sworn in and affirmed that testimony was reliant on a previous MLS listing from 10 years ago which documented 2 meters. Tax records were discussed.

Mr. O’Grodnick referred to **Exhibit A-4** dated 9/26/23, identified as a listing from 2009 GSMLS. Mr. Schrek cautioned against using the MLS listing.

Justin Auciello, P.P. was sworn and qualified. Referring to Exhibit A-1, Mr. Auciello testified as to site suitability based on the surrounding area, identifying the lots marked in yellow as multifamily dwellings. Mr. Schrek advised that they were all in the R-4 zone. Mr. Auciello asserted that the lot could accommodate the proposal. He testified that the proposed impervious coverage would be comparable to a single family home. He stated that whether the home was a single or multi family was irrelevant and asserted that the interior side yard setback is similar to the former structure and was increasing because the adjacent structure on the neighboring lot straddles the line. Referencing a hardship due to the adjacent structure, he suggested that this was more of a c2 than a c1.

Mr. Auciello testified that the exterior side yard for the proposal is similar to the former structure and other properties close to property line. He offered that it would be difficult to present a conforming proposal. Mr. Auciello provided testimony as to site suitability and spoke about special reasons for granting of the variance; namely that it would serve purposes g, i and a of the MLUL as well as advance the purposes of the Master Plan and the Community. He testified that there would be no detriment to the public good, no impairment to the zone plan and that the proposal was consistent with other development in the area.

Mr. Auciello responded to a question from Mr. Cohen as to the rationale for building a multi family rather than a single family by deferring to his Architect.

Mr. Cohen commented on the density of the surrounding area and need for more housing. Ms. Thomas offered that this was the reasoning behind changing the zoning in the first place. She offered that it boils down to financial gain for the developer and suggested that it is a lot of building for the lot.

Comparisons were made to Stonebridge. Mr. Bronson asked about the distance from the interior side yard to the adjacent dwelling/garage. Advised that it was 8’ and 5’ on the exterior lot.

A brief discussion ensued on the price point after the applicant advised that he paid \$140,000 for the lot in response to a question from Mr. Cunningham.

Fortunato Riga identified himself as part owner/brother-in-law of the owner and provided his credentials (10

years construction experience, working on a project in Raritan). Mr. Riga's testimony prompted a discussion regarding profit margins as it relates to the rationale for proposing two units rather than a single family home. Mr. Cohen asserted that his assertion that it would allow for more housing does not apply because there is no affordable component.

Mr. Riga asserted that the multifamily units are rentals and that the occupants will be contributing to the community. He added that anyone passing by would be going into another complex of townhomes so the proposal would be in character with the area.

Ms. Sherwin asked why the building was so close to Raritan Ave. and why it couldn't be moved back to be less impactful on the neighboring houses. Citing marketability, Mr. Riga explained that while they were open to consideration, they were oriented in this way so that they would not face the industrial area/mechanical buildings across the street. He testified that at one time, the address was 401 Raritan Ave. and pointed out that the lot is longer /narrower than the others. He responded to another question/comment from Ms. Sherwin about the decision to condo the units. She suggested that this could impact marketability. Mr. Riga asserted that they want separate deeds in order to avoid a subdivision.

Ms. Sherwin commented that they kept mentioning Stonebridge, pointing out that those are rentals which lend themselves to being transient. She asked whether they would be deed restricted in order to prevent rentals. Mr. Riga explained they would not and offered that this was the justification for their size.

Mr. Riga commented on risk versus belief that the project would add value to the town in response to a comment from Mr. Schrek about finances. He asserted that they are "local guys" who will guarantee a quality product. He then offered that he only moved (to Bridgewater) because he needed a bigger home.

Ms. Thomas addressed his comment, which she suggested was disparaging to the neighbors. Various audience members commented but were unidentified/comments unintelligible. Ms. Thomas called moving while putting condos there "disrespectful" and asserted that she would not like it if she lived in that neighborhood.

Further (unintelligible) comments from unidentified members of the public were made. Mr. Cunningham suggested that the view across the street might change. Mr. Riga offered that he thought they would want to see homes there.

Mr. Bronson returned to his earlier question about the exterior lot setback which was said to be 5'. He asked what it would be if they were trying to establish prevailing setback to which Mr. Riga replied, "10.'" Mr. Bronson advised that he measured closer to 20' where 25' is required/not 5'. Discussion regarding prevailing setbacks continued.

Mr. Auciello suggested that the Board consider what could go there vs. what was being proposed. He asserted that the proposal makes more sense.

Chairwoman Thomas opened the floor to questions of the public.

Joan Nelson of 410 Raritan Avenue commented that she has lived in a single family home there for 25 years, while they keep referring to two families. She suggested that they need to know when the houses were built, when the R4 zoning went into effect and what the setbacks are for those houses. She asserted that they are not comparable to 5' and that they have bigger lots. She asked whether they ran comps, making reference to recent sales of two single family houses that sold for 500k and concluded in saying that "prices are up."

Mr. Riga asserted that while it would be easier to put a single family house there, it's not possible.

Ms. Nelson asked/commented whether on the MLS form, it doesn't have a disclaimer that information is not reliable. She stated that this is what is now and it is in the R4. She asserted that the house proposed is too big for the lot. She referred to questions by Board members earlier about moving the proposed structure and concluded in saying that it is "so close" to "Joann and Mary's house." She then called it "intrusive."

An unidentified member of the public stated that they have "no property there." She referred to a subdivision in the 60's, mentioning that where roofline ends is all she has. She compared the 5' setback to the 6' requirements during Covid and calling it unfair, related that her family has lived there for 59 years.

Referencing the "small, narrow lot," Ms. Nelson suggested that they should show setback requirements on their exhibit (what was then vs. what is there now). Mr. Riga testified that none of the lots would conform to current bulk standards. Ms. Nelson replied.

Mr. Cohen redirected the audience to questions only, cautioning that he would need to swear everyone in as they were going to get into the realm of testimony.

Ms. Nelson asked how they could expect the Board to vote if all of the documents/information on setbacks necessary wasn't being provided. She stated that when they were saying that the two family was conforming, that was not the case. Mr. Riga asserted that the "shaded yellow" is two family. Ms. Nelson asked what the setback was and commented that they were trying to reduce 25' to 5.'

Mr. Auciello commented that the houses are old and most of them, nonconforming regardless of zoning, for Tillman as well. He stated that the setback was not met and that the character of the area is relevant/proposal is consistent with what is in the area.

Resident, Richard Mitchell asked why not 8 or 10.' Mr. Auciello explained that it was because the lot is narrow. He added that the proposal is a better planning/zoning alternative than what could be built and that it makes more sense given the character of site and the area. Mr. Mitchell remarked that it was "so close."

A discussion about height ensued. An audience member asked whether they considered "the small cape cod that's 5' away." The applicant offered that another 3' is all that was needed to conform.

An audience member offered that maybe it's just "not the right lot" and suggested that they were trying to make lot fit the house rather than vice versa. Someone stated that there are apartment buildings right next to the house.

Mr. Cohen asked Mr. Schrek whether two family homes were permitted prior to the zone change. Mr. Schrek explained that there were eliminated throughout the Borough. Mr. Cohen suggested that the applicant was asking for the Board to consider returning to the prior zoning after a conscious decision was made by the governing body to eliminate two families.

Mr. O'Grodnick advised that they would like to pause in order to reconsider some site configurations so there was no point in moving on to architecture testimony. He confirmed that they would like to carry the application to October.

Mr. Shrek spoke about parking requirements tied to redevelopment and other recent applications. He suggested that they would want to see measures taken to prevent any garages from becoming storage areas resulting in more on street parking.

Mr. Brown asked whether the max has possibly been reached for sewerage and whether that could be looked into. Mr. Shrek advised that capacity had not been reached so it would not be necessary to look into it.

Motion by Mr. Cunningham, **seconded** by Ms. Sherwin and unanimously carried to carry the matter to October 25, 2023 without further Notice.

ROLL CALL:

AYE: Ms. Thomas, Mr. Cunningham, Ms. Carra, Mr. Brown, Ms. Sherwin, Ms. Debellis

NAY:

ABSTAIN:

MISCELLANEOUS

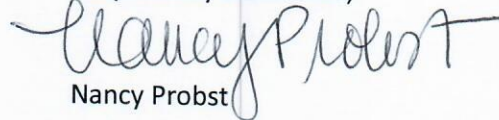
PUBLIC COMMENT

Chairwoman Thomas opened the floor to public comment at 9:34. Members of the public who spoke earlier expressed their appreciation to the Board.

ADJOURNMENT

Motion by Ms. Sherwin, **seconded** by Councilman Carra and unanimously carried to adjourn at 9:34.

Respectfully Submitted,



Nancy Probst

Approved: 11/29/23